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THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Confirmation No. 1037

Kouki FUKUI

: Docket No. 2001_0681A

Serial No. 09/870,480

: Group Art Unit 1772

Filed June 1, 2001

: Examiner W. Aughenbaugh

NONCOMBUSTIBLE INSULATING DUCT

RESPONSE UNDER 37. CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1772

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated December 29, 2003 of the Primary Examiner finally rejecting claims 15-47.

(X) A timely response to the final rejection is filed concurrently herewith.

(O) The extension fee of \$ _____ for a _____ month extension of time is submitted with the attached Petition for Extension of Time.

(X) The Appeal Fee of [X] \$330.00 (other than Small Entity)
[] \$165.00 (Small Entity)

(X) is enclosed

(O) is to be charged to Deposit Account No. 23-0975. The original and two copies of this sheet are enclosed.

- Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which
 - is enclosed.
 - has been previously submitted.
- The Appeal Fee is not required since it was paid in a prior appeal.

Respectfully submitted,

Kouki FUKUI

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March 29, 2004